

**Table 14. Maximum/Minimum Indemnity and Earnings**

**Temporary Total Disability**

Date of Inj.	Earnings, Average Weekly (From – To)	Rate Paid/Week
7-1-96	\$ 0.00 - \$ 126.00	Actual earnings
to	126.01 - 189.00	\$126.00
12-31-02	189.01 - 735.00 × 2/3 = up to	\$490.00
	Labor Code §4453(a)(7)	
2003	\$ 0.00 - \$ 189.00	\$126.00
	189.01 - \$ 903.00 × 2/3 = up to	\$602.00
	Labor Code §4453(a)(8)	
2004	\$ 0.00 - \$ 189.00	\$126.00
	189.01 - \$ 1,092.00 × 2/3 = up to	\$728.00
	Labor Code §4453(a)(9)	
2005	\$ 0.00 - \$ 189.00	\$126.00
	189.01 - \$ 1,260.00 × 2/3 = up to	\$840.00
	Labor Code §4453(a)(10)	
2006	\$ 0.00 - \$ 189.00 + COLA per SAWW	\$126.00 *
	189.01 - \$ 1,260.00 + COLA per SAWW × 2/3	\$840.00 *
	Labor Code §4453(a)(10)	
2007	\$ 0.00 - \$ 189.00 + 4.9593 % = \$ <b>198.37</b> & × 2/3 =	\$132.25 *
	<b>198.38</b> - \$ 1,260.00 + 4.9593 % = \$ <b>1,322.49</b> & × 2/3 =	\$881.66 *
	Labor Code §4453(a)(10) + SAWW	
2008	\$ 0.00 - \$ 198.37 + 3.9318 % = \$ <b>206.17</b> & × 2/3 =	\$137.45 *
	<b>206.18</b> - \$ 1,322.49 + 3.9318 % = \$ <b>1,374.49</b> & × 2/3 =	\$916.33 *
	Labor Code §4453(a)(10) + SAWW	
2009	\$ 0.00 - \$ 206.17 + 4.5484 % = \$ <b>215.55</b> & × 2/3 =	\$143.70 *
	<b>215.56</b> - \$ 1,374.49 + 4.5484 % = \$ <b>1,437.01</b> & × 2/3 =	\$958.00 *
	Labor Code §4453(a)(10) + SAWW	
2010	\$ 0.00 - \$ 215.55 + 2.9941 % = \$ <b>222.00</b> & × 2/3 =	\$148.00 *
	<b>222.01</b> - \$ 1,437.01 + 2.9941 % = \$ <b>1,480.04</b> & × 2/3 =	\$986.69 *
	Labor Code §4453(a)(10) + SAWW	
2011	No change from 2010 because SAWW did not increase in 2010	
2012	\$ 0.00 - \$ 222.00 + 2.4135 % = \$ <b>227.35</b> & × 2/3 =	\$151.57 *
	<b>227.36</b> - \$ 1,480.04 + 2.4135 % = \$ <b>1,515.75</b> & × 2/3 =	\$1,010.49 *
	Labor Code §4453(a)(10) + SAWW	
2013	\$ 0.00 - \$ 227.35 + 5.5633 % = \$ <b>240.00</b> & × 2/3 =	\$160.00 *
	<b>240.01</b> - \$ 1,515.75 + 5.5633 % = \$ <b>1,600.08</b> & × 2/3 =	\$1,066.72 *
	Labor Code §4453(a)(10) + SAWW	

**\*TD SAWW increases apply to the maximum/minimum rates, not to the amount paid.**

**TTD paid 2 or more yrs after injury:** Check for a possible rate increase or 104 wks under L.C. §§ 4661.5, 4656(c)(1), (2). Supplemental job displacement vouchers may apply for injuries o/a 1/1/04, L.C. §§ 4658.5, 4658.6 and generally T8CCR §§ 10133.50 – 10133.60.

**Permanent Partial Disability (PD): Minimum and Maximum Rates**

Date of Injury	Min	Max PD Rate and Labor Code Section	
1-1-91 to 6-30-94	1:0 to 24:3	\$70 – \$140 .....	L.C. §4453(b)(2)
	25:0 to 99:3	\$70 – \$148 .....	L.C. §4453(b)(4)
7-1-94 to 6-30-95	1:0 to 14:3	\$70 – \$140 .....	L.C. §4453(b)(2)
	15:0 to 24:3	\$70 – \$148 .....	L.C. §4453(b)(3)
	25:0 to 69:3	\$70 – \$158 .....	L.C. §4453(b)(5)
	70:0 to 99:3	\$70 – \$168 .....	L.C. §4453(b)(6)
7-1-95 to 6-30-95	1:0 to 14:3	\$70 – \$140 .....	L.C. §4453(b)(2)
	15:0 to 24:3	\$70 – \$154 .....	L.C. §4453(b)(3)
	25:0 to 69:3	\$70 – \$164 .....	L.C. §4453(b)(5)
	70:0 to 99:3	\$70 – \$198 .....	L.C. §4453(b)(6)
7-1-96 to 12-31-02	1:0 to 14:3	\$70 – \$140 .....	L.C. §4453(b)(2)
	15:0 to 24:3	\$70 – \$160 .....	L.C. §4453(b)(3)
	25:0 to 69:3	\$70 – \$170 .....	L.C. §4453(b)(5)
	70:0 to 99:3	\$70 – \$230 .....	L.C. §4453(b)(6)
2003:	1:0 to 69:3	\$100 – \$285 .....	L.C. §4453(b)(6)
	70:0 to 99:3	\$100 – \$230 .....	L.C. §4453(b)(7)
2004:	1:0 to 69:3	\$105 – \$200 .....	L.C. §4453(b)(6)
	70:0 to 99:3	\$105 – \$250 .....	L.C. §4453(b)(7)
2005:	1:0 to 69:3	\$105 – \$220 .....	L.C. §4453(b)(6)
	70:0 to 99:3	\$105 – \$270 .....	L.C. §4453(b)(7)
2006 to 12-31-02	1:0 to 69:3	\$130 – \$230 .....	L.C. §4453(b)(6)
	70:0 to 99:3	\$130 – \$270 .....	L.C. §4453(b)(7)
2013:	1:0 to 54:3	\$160 – \$230 .....	L.C. §4453(b)(8)
	55:0 to 69:3	\$160 – \$270 .....	L.C. §4453(b)(8)
	70:0 to 69:3	\$160 – \$290 .....	L.C. §4453(b)(8)

Life Pension (LP), PD > 70:0

**Maximum weekly earnings, Labor Code §4659**

(Minimum wage for PD/LP, per L.C. §4453 above, e.g. \$105 x 2/3 = \$70.00/wk P.D.)

Formula: (PD – 60) x 0.015 x Earnings, e.g., for 77% PD, 12/20/02 injury @ max  
(77-60) x 0.015 x \$257.69 = \$65.71/week

Effective Dates	AWW: Minimum/Max	PD 70:0 to 99:3	
		Paid: Min/wk	Max/wk
07-01-94 to 06-30-95	\$105.00 to \$157.69	\$15.75 to	\$94.02
07-01-95 to 06-30-96	\$105.00 to \$207.69	\$15.75 to	\$123.84
07-01-96 to 12-31-02	\$105.00 to \$257.69	\$15.75 to	\$153.65
01-01-03 to 12-31-03 *	\$150.00 to \$257.69	\$22.50 to	\$153.65
01-01-04 to 12-31-04 *	\$157.00 to \$257.69	\$23.55 to	\$153.65
01-01-05 to 12-31-05 *	\$157.00 to \$257.69	\$23.55 to	\$153.65
01-01-06 + COLA	\$195.00 to \$515.38	\$29.25 to	\$307.30

\* For injuries o/a 1/1/03, beginning on 1/1/04, a Cost of Living Adjustment (COLA) is to be made to the **Life Pension** or **Permanent Total Disability rate paid each year** based on an increase, if any, in the state average weekly wage (SAWW) compared to the prior year, L.C. § 4659(c). If there is no increase, then rate from prior year continues in following year.

COLA for 1/1/13 is 5.5633%. Calculations on the following page list annual increases through 2012 and give annual multiplication factors.

### Additional Information to Aid in Using Table 14

The 1<sup>st</sup> page of Table 14 gives maximum and minimum wages and TD rates paid. Increases in SAWW here *apply only to the maximum and minimum wages*, not to the *rates* paid.

The 2<sup>nd</sup> page of Table 14 covers first Permanent Partial Disability & max/min rates paid. The 2<sup>nd</sup> part of this page covers **Life Pension & 100% Permanent Total Disability paid**. This latter part has a Cost of Living Adjustment (COLA) based on the annual change in State Average Weekly Wage (SAWW). These *increases apply to payments made*, as noted.

SAWW data is based on the year ending March 31 per the U.S. Dept of Labor. Readers may call (202) 693-3039 or write Division of Fiscal & Actuarial Services, Room C-4514; 200 Constitution Ave., NW; Washington, DC 20210. Data used for 2012 is from their web site per DWCNewsline 28-12.

#### Calculations of Change in State Average Weekly Wage by Year

<u>Year</u>	<u>DWCNewsline</u>	<u>SAWW</u>	<u>Current</u>	<u>÷</u>	<u>Prior</u>	<u>=</u>	<u>Increase</u>	(If any)
2004	18-03 (12/22/03)	\$790.50	..	790.50	÷	794.95	=	0.9944021 (No Increase)
2005	64-04 (12/15/04)	\$806.11	..	806.11	÷	790.50	=	1.0197469
2006	80-05 (12/20/05)	\$838.42	..	838.42	÷	806.11	=	1.0400813
2007	54-06 (10/10/06)	\$880.00	..	880.00	÷	838.42	=	1.0495932
2008	66-07 (10/03/07)	\$914.60	..	914.60	÷	880.00	=	1.0393181
2009	66-08 (10/31/08)	\$956.20	..	956.20	÷	914.60	=	1.0454843
2010	52-09 (10/07/09)	\$984.83	..	984.83	÷	956.20	=	1.0299414
2011	56-10 (10/14/10)	\$979.90	..	979.90	÷	984.83	=	0.9949941 (No Increase)
2012	24-11 (06/16/11)	\$1,003.55	1,003.55	÷	979.90	=	1.0241351	
2013	28-12 (06/14/12)	\$1,059.38	1,059.38	÷	1,003.55	=	1.0556325	

The discussion in the 2011 edition of this book on page 1660 ( Table 14, 3<sup>rd</sup> pg), final three paragraphs, beginning, "Example in prior editions..." regarding a 100% PD award on an injury in 2006 is partially incorrect in light of the decision of the Supreme Court of California in **Baker vs WCAB (X.S.) 39 CWR 169, 76 CCC 701, Sup.Ct. #S179194** (The title of the case changed after Baker replaced Duncan as the head of the SIBTF.) The example below is a continuation of the version in the 2010 edition, per **Baker**, supra:

Example: Assume a 100% PD award on an injury in 2006 with an average weekly wage of \$900.00/week. The TD rate is 2/3rds of that or \$600.00/wk. The PD rate is the same until 1/1/07. Then, per L.C. §4659(c), the rate paid will increase annually as follows:

The initial rate paid, \$600.00/wk × **1.0495932** = \$629.76/wk., the rate paid for **2007**  
 On 1/1/08 the 2007 rate, \$629.76/wk × **1.0393181** = \$654.52/wk., the rate paid for **2008**  
 On 1/1/09 the 2008 rate, \$654.52/wk × **1.0454843** = \$684.29/wk., the rate paid for **2009**  
 On 1/1/10 the 2009 rate, \$684.29/wk × **1.0299414** = \$704.78/wk., the rate paid for **2010**  
 On 1/1/11 the 2010 rate had no increase, payment = \$704.78/wk., the rate paid for **2011**  
 On 1/1/12 the 2011 rate, \$704.78/wk × **1.0241351** = \$721.79/wk., the rate paid for **2012**  
 On 1/1/13 the 2012 rate, \$721.79/wk × **1.0556325** = \$761.94/wk., the rate paid for **2013**